

II. REMARKS

Claims 1-2, 4-6, 8-16, and 18 Stand Rejected Under 35 U.S.C. §102(b)

In the Office Action, Claims 1-2, 4-6, 8-16, and 18 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,970,661 (hereinafter Bishop et al.). It is respectfully submitted that Bishop et al. fails to describe or suggest the present invention as claimed. Reconsideration of this rejection is respectfully requested for the following reasons. The claims were amended to emphasize that the both the portable dwelling of Claims 1-9, the adapter of Claims 10-14 and the kit of Claims 15-20 relate to traditional tents and tent like structures having support members. The climate control unit serves as the principal support for the portable dwelling as is required by the Bishop et al. reference. In fact, in the absence of a climate control unit, the device of the Bishop et al. reference would not have an inhabitable configuration. Applicant also points out that the adapter is affixable, not necessarily affixed to a tent, like the Bishop et al. reference.

In light of the above, Applicant respectfully submits that Claims 1-2, 4-6, 8-16, and 18 are not anticipated by Bishop et al., and are in condition for allowance.

Claims 3-7, 17 and 19-20 Stand Rejected Under 35 U.S.C. §103(a)

In the Office Action, Claims 3-7, 17 and 19-20 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,970,661 (hereinafter Bishop et al.) in view of U.S. Patent 3,272,199 (hereinafter Mathews). It is respectfully submitted that Bishop et al. and Mathews individually or combined fail to describe or suggest the present invention as claimed. Reconsideration of this rejection is respectfully requested for the following reasons.

Claims 1, 10 and 15 of the present application are independent claims upon which the rejected Claims depend. Since both the Bishop et al. reference and the Mathews reference disclose dwellings that are supported by air pressure created by either a fan or gas/air pump, respectively, both devices were designed for air inflation and not for temperature control within the dwelling. It would not have been obvious to one of ordinary skill in the art to modify Bishop et al. to create hot or cold air in order to provide a comfortable environment for the housing when employed in various weather conditions, because the temperature of the air would affect the operator's ability to achieve the desired pressure within the housing. Moreover, unlike the present invention, both the Bishop et al. and the Mathews devices require some form of air provision means

that serves as the principal support for the portable dwelling. Applicant respectfully submits that, "if [the] proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification." *In re Gordon*, 733 F.2d 900, 22 USPQ 1125 (Fed. Cir. 1984)(MPEP §2143.01) Moreover, "if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious." *In re Rath*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959)(MPEP §2143.01)

Bishop et al. and Mathews specifically teaches away from the use of a climate control unit, rather they provide for a structure supported by air or gas.

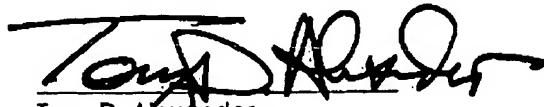
From the foregoing discussion, it is clear that Bishop et al. and Mathews do not describe or suggest the inventions as provided in independent Claims 1, 10 and 15, or the claims dependent there from. Thus, it is respectfully submitted that Claim 1, 8 and 16 are not unpatentably obvious over Bishop et al. in view of Mathews and are, therefore, in condition for allowance. Claims 3-7, 17 and 19-20 depend, either directly or indirectly, from Claims 1, 10 or 15 and thus incorporate all of the features thereof. Thus, it is respectfully submitted that dependent Claims 3-7, 17 and 19-20 are not unpatentably obvious over Bishop et al. in view of Mathews and are, therefore, also in condition for allowance.

IV CONCLUSION

In view of the above, 1-20 are pending and for the foregoing reasons, it is respectfully submitted that all of the pending claims in this application, as amended, are in condition for allowance. Favorable action on this application is, therefore, solicited.

Respectfully submitted,

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Tony D. Alexander
Registration No. 44,501

TECHNOLOGY LEGAL COUNSEL LLC
Post Office Box 1728
Evans, Georgia 30809-1728
(706) 210-4026